Supreme Court, U.S.
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No. 97-156

In The

Supreme Court of the United States

October Term 1997

RANDON BRAGDON, D.M.D.,

Petitioner,

v.

SIDNEY ABBOTT ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the First Circuit

PETITIONER'S SUPPLEMENTAL BRIEF

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PETITIONER'S SUPPLEMENTAL BRIEF

Petitioner Randon Bragdon, D.M.D., has petitioned for review of whether asymptomatic individuals infected with HIV are per se disabled under the Americans with Disabilities Act (ADA). On page 10, note 8, of his petition, Dr. Bragdon cites Runnebaum v. NationsBank of Maryland, N.A., 95 F.3d 1285, 1289 (4th Cir. 1996), reh'g en banc granted, opinion vacated (Dec. 3, 1996). On August 15, 1997, the Fourth Circuit issued its en banc decision in Runnebaum. Runnebaum v. NationsBank of Md., N.A., ___ F.3d ___ (4th Cir. 1997), 1997 WL 465301 (Aug. 15, 1997).

The en banc Runnebaum majority affirmed a summary judgment under the ADA against William Runnebaum, an asymptomatic individual infected with HIV. The Runnebaum dissent fairly characterizes the majority as having created a "per se rule excluding those with asymptomatic HIV from the protection of the ADA." Id. at ___ (Michael, J., dissenting).

The sharply divided en banc opinion in Runnebaum further illustrates the conflict among the circuits as to the status under the ADA of asymptomatic persons with HIV. Wherefore, Dr. Bragdon requests that the Court grant his petition for a writ of certiorari.

Respectfully submitted,

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